IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 1063 of 2001()

CRA.373/1998 of II ADDL.SESSIONS COURT, ERNAKULAM
CC.471/1997 of JUDL.MAGISTRATE OF FIRST CLASS-I, ERNAKULAM

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REVN. PETITIONER:

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1. MOHAMMED ESMAIL SIDDIQUE @ NAZEER,
MANAGING PARTNER, M/S.JIYA EXPORTS,
P.B.NO.188, SHAM SHAN TOWER, KOCHI-2.

2. M/S.JIYA EXPORTS, P.B.NO.188, SHAM SHAN TOWER,
KOCHI-2, REPRESENTED BY ITS MANAGING PARTNER
MOHAMMED ESMAIL SIDDIQUE @ NAZEER.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:

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1. M/S.GREENWAYS SHIPPING AGENCIES PVT. LTD.,
W/ISLAND, COCHIN-3, REPRESENTED BY ITS
GENERAL MANAGER, M.K.M.NAIR.

2. STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.V.J.MATHEW
SRI.SABU P.JOSEPH
SRI.P.P.RAJESH
PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 20/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

HEMA, J.

Crl.R.P. No.1063 of 2001

Dated this 20th day of December, 2006.

O R D E R

Revision Petitioners are the accused in C.C.No.471 of 1997 on the file of the Judicial Magistrate of First Class-I, Ernakulam. First respondent is the complainant therein. Revision petitioners were convicted and first revision petitioner was sentenced by the Magistrate's Court to undergo simple imprisonment for three months and also directed to pay fine of Rs.1,00,000/- to the complainant in default of payment to undergo simple imprisonment for three months under section 138 of Negotiable Instruments Act and second revision petitioner was sentenced to pay a fine of Rs.50,000/- in default to undergo simple imprisonment for two months under Section 138 of the Negotiable Instruments Act. In appeal filed by them, the conviction was confirmed, but sentences were modified by the District Court. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.A.No.12993 of 2006 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and that the amount is also paid to the complainant. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, Revision Petitioners are acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. They are set at liberty forthwith.

Crl. M.A.No.12993 of 2006 and Revision Petition are allowed.

vgs. **K. HEMA, JUDGE.**